

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ANNMARIE MALLOZZI, INDIVIDUALLY  
AND ON BEHALF OF ALL OTHERS  
SIMILARLY SITUATED,

*Plaintiff,*

v.

INDUSTRIAL ENTERPRISES OF  
AMERICA, INC.; JOHN MAZZUTO; JORGE  
YEPES; DENNIS O'NEILL; and JAMES  
MARGULIES,

*Defendants.*

Case No.: 07-cv-10321 (GBD)

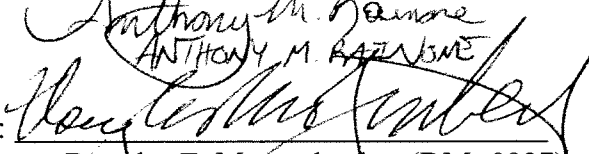
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SUBSTITUTION OF ATTORNEY

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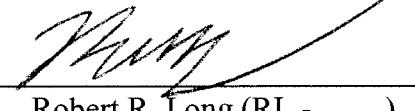
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys that the firm of Podvey, Meanor, Catenacci, Hildner, Coccoziello & Chattman, P.C., be and hereby is substituted as counsel for defendant James W. Margulies, in place of withdrawing counsel Alston & Bird, LLP, with the consent of Mr. Margulies as set forth in his Affidavit dated August \_\_\_\_, 2008, given Alston & Bird LLP's advice that it cannot continue as counsel in this litigation for defendants Industrial Enterprises of America, Inc., Dennis O'Neill, and Mr. Margulies.

PODVEY, MEANOR, CATENACCI,  
HILDNER, COCOZIELLO & CHATTMAN  
A Professional Corporation  
Superseding Attorneys.

By:   
Douglas E. Motzenbecker (DM -0937)  
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Newark, New Jersey 07102  
Phone (973) 623-1000  
Facsimile (973) 623-9131  
dmotzenbecker@podvey.com

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DATED: September 3, 2008

ALSTON & BIRD LLP  
Withdrawing Attorneys.

By:   
Robert R. Long (RL - \_\_\_\_)  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Phone (404) 881-7000  
Facsimile (404) 881-7777  
robert.long@alston.com

DATED: September 3, 2008

SO ORDERED:

\_\_\_\_\_  
United States District Judge

254009

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SOUTHERN DISTRICT OF NEW YORK

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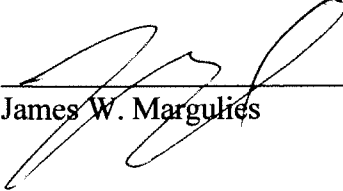
AFFIDAVIT OF DEFENDANT JAMES W. MARGULIES

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I, James W. Margulies, of full age hereby declare as follows:

1. I am a defendant in the above-captioned matter, and am presently represented in this action by Alston & Bird LLP.
2. It has come to my attention that Alston & Bird, LLP is no longer in a position to represent me and two other parties to this litigation, defendants Industrial Enterprises of America, Inc. and John Mazzuto.
3. Accordingly, I hereby consent to the substitution of Podvey, Meanor, Catenacci, Hildner, Coccoziello & Chattman as my new attorneys.

  
James W. Margulies

Sworn and subscribed to before me this  
27 day of August, 2008.

STATE OF OHIO                    )  
                                              ) ss.  
COUNTY OF CUYAHOGA )

  
A Notary Public in and for the State  
of Ohio

LEAH CAPLAN - Attorney At Law  
Notary Public - State of Ohio  
My commission has no expiration date  
Section 147.03 R.C.

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